

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
United States District Carol E. Jackson**

**MINUTES OF CIVIL JURY/NON JURY TRIAL**

**Date** July 23, 2015      **Trial Day** 8      **Case No.** 4:10cv1890 CEJ

Captiva Lake Investments, LLC      **Vs.**      Fidelity National Title Insurance Company

Parties present for ☒ JURY TRIAL    ☐ NON JURY TRIAL

Court Reporter Susan Moran      Deputy Clerk Katie Stamm

Attorney(s) for Plaintiff(s) John Hessel, Richard Wunderlich, Steven Hall

Attorney(s) for Defendant(s) Thomas Fritzlen, Shawn Briner

☐ Jury impaneled and sworn.    ☐ Opening Statement(s) of    ☐ Plaintiff(s)    ☐ Defendant(s) made.

☐ Plaintiff(s) evidence ☐ commenced ☐ resumed ☐ and ☐ but not    ☐ concluded.

✓ Defendant(s) evidence ☐ commenced    ✓ resumed    ✓ and    ☐ but not    ✓ concluded.

☐ Plaintiff(s) evidence in rebuttal ☐ commenced ☐ resumed ☐ and ☐ but not    ☐ concluded.

☐ Defendant(s) evidence in surrebuttal ☐ commenced ☐ resumed ☐ and ☐ but not ☐ concluded.

✓ Motion for Judgment as a Matter of Law by defendant Fidelity at close of all evidence

Argued and denied by the Court.

✓ Closing Arguments of counsel made.    ☐ Case taken under advisement.

☐ (Simultaneous) briefs due \_\_\_\_\_.    ☐ Case is settled. Dismissal papers due \_\_\_\_\_

✓ Jury charged and retires to consider its verdict(s) at 4:50 p.m.    ☐ Verdict(s) returned at \_\_\_\_\_

☐ Jury having been given a special verdict in the form of written interrogatories for finding of fact,  
retires to consider its verdict(s) at \_\_\_\_\_    ☐ Verdict(s) returned at \_\_\_\_\_

☐ Jury unable to agree upon its verdict(s) by \_\_\_\_\_ is excused to resume deliberations \_\_\_\_\_

☐ The Court declares a MISTRIAL.    ☐ Trial is reset \_\_\_\_\_.

☐ On motion of    ☐ plaintiff    ☐ defendant    ☐ Court the jury is polled.

✓ Proceedings to continue 7/24 @ 8:30 for deliberations. \_\_\_\_\_

☐ Judgment is entered accordingly this date.    ☐ Depositions    ☐ Exhibits retained by    ☐ Court    ☐ Counsel.

The Court did accept the Offer of Proof as read into the record by Fidelity re: J. Bushnell Nielsen. After hearing arguments, the Court refused Proposed Instructions by Fidelity marked A,B,C,D,E,F&G.

At the request of the jury, all exhibits were taken to the jury deliberations room.

**COMMENCED:** 2:00PM-4:50PM      **CONCLUDED:** 7:18PM – 7:20PM

**COMMENCED:** \_\_\_\_\_      **CONCLUDED:** \_\_\_\_\_